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No. 01-856

Supreme Court, U.S.
FILED
FEB 4 2002
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2001

BEVERLY B. MANN,

Petitioner,

v.

DOROTHY BROWN, AS CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, AND COOK COUNTY, ILLINOIS,

Respondents.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Beverly B. Mann
Petitioner *Pro Se*
7261 North Campbell Avenue
Chicago, Illinois 60645
(773) 465-4587

1099

SUPPLEMENTAL DOCUMENTS

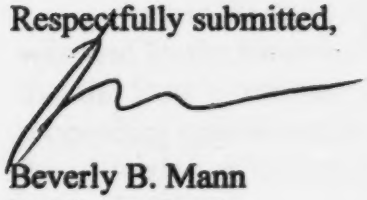
Petitioner Beverly B. Mann wishes to supplement her pending petition with the two documents accompanying here as respective appendices A and B.

Appendix B is a letter dated January 29, 2002, from an assistant Cook County, Illinois, state's attorney concerning the second-issued of the three appellate orders on which Mann petitions to this Court for a writ.

Appendix A is a letter dated January 31, 2002, from Mann to Andrew J. Kohn, Chief Deputy Clerk of the U.S. Court of Appeals for the Seventh Circuit, that addresses the assistant state's attorney's January 29 letter.

Mann believes that the letters need no elaboration if read with her pending petition. She wishes to incorporate as part of that petition the statements she makes in the January 31 letter.

Respectfully submitted,



Beverly B. Mann
Petitioner Pro Se

January 31, 2002

Andrew J. Kohn
Chief Deputy Clerk
U.S. Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Re: *Beverly Mann v. Dorothy Brown*, Nos. 99-1750 and 99-3595

Dear Mr. Kohn:

I enclose a copy of a letter I received in the mail yesterday from the Office of the Cook County State's Attorney that demands my immediate payment of the $5,180.00 that your court, on its own motion and without prior notice of its allegations, assessed against me as a sanction in this matter.

I was told upon my inquiry to that Office that the letter was sent by the Revenue Recovery Division, and so I presume that the State's Attorney plans to initiate a collection proceeding against me in Illinois state court similar to that for the collection of monetary judgments awarded by juries or judges in trial.

This court's sanction order, however, is (I believe) not a judgment and cannot be collected via resort to a state-court judgment-collection procedure. I think that would be true even had I been accorded the due process required before the entry of a monetary judgment. But I was not accorded due process at all.

Judge Easterbrook wrote for this court in *Burgess v. Ryan*, 996 F.2d 180 (7th Cir. 1993), that:

> According to Burgess, Illinois' action violated seven provisions of the Constitution, from the double jeopardy clause to the full faith and credit clause. Both sides must have been astonished when the district Judge entered an injunction barring enforcement of the statute, and requiring Illinois to restore Burgess' driving privileges, for a reason that Burgess had not advanced: that Illinois' system violates the due process clause of the fourteenth amendment because the hearing comes after rather than before a revocation or suspension.

Suffice it to say I was no less surprised than were the parties in *Burgess* by the court's sua sponte defenses on behalf of the defendants in my case, and by its sua sponte charge against me of sanctionable conduct, and by its simultaneous finding of guilt – all occurring before I even was notified of the purported grounds for any of it. But in *Burgess*, because it was the district court rather than the appeals court that issued the sua sponte rulings, the victims of those rulings, two Illinois state officials, were able to appeal from them and to obtain a reversal. How lucky for them.

I have filed a certiorari petition with the Supreme Court in which I challenge each of the three substantive orders that this court entered against me in this matter. That petition is scheduled for consideration at the Court's Feb. 15 conference. Why, then, was I sent that payment-demand letter *now*? Did this court quietly suggest that action? After all, if my certiorari petition is denied and I am forced to defend against a state-court judgment-collection action, I will be unable to obtain an order from this court clarifying that its sanctions order is not a judgment of the sort that can be collected via a state-court collection proceeding; this court has barred me from filing any documents in any federal court within this circuit.

has barred me from filing any documents in any federal court within this circuit.

Just as anyone – *anyone* – now can obtain a quick default judgment against me for any amount of money by suing me in a federal court within this circuit, the Cook County State's Attorney's Office will succeed in obtaining an erroneous judgment against me in state court. I will be able to respond to the collection complaint, but, of course, irrespective of the accuracy of my legal arguments, I will not prevail. That will force me after unsuccessful state-court appeals to file yet another cert petition, this one asking the Court to determine whether a federal-court monetary sanction order has the effect of a judgment for purposes of state-court debt collection proceedings and, if so, whether this is so even in the brazen absence of prior notice and an opportunity for hearing before the federal court's determination of guilt as incorporated in its judgment.

And on it will go – the vexatious multiplication of this litigation, that is.

In my case, it is comical hubris of the State's Attorney's Office to pursue this matter given that, if this court is correct that affirmative defenses unasserted by the defendants existed in my litigation and that those defenses were so unequivocally determinative as to meet the test for sanctions delineated in *Professional Real Estate Inventors, Inc. v. Columbia Pictures Industries, Inc.*, 508 U.S. 49 (1993), then the State's Attorney's Office was facially incompetent for failing to assert them on behalf of its client. And, yes, I learned of *Professional Real Estate Inventors* when I read the Supreme Court's Jan. 4, 2002, order granting cert in *BE&K Construction Company v. NLRB*, S. Ct. no. 01-518, limited to the following question:

the employer could show the suit was not objectively baseless under *Professional Real Estate Inventors, Inc. v. Columbia Pictures Industries, Inc.*, 508 U.S. 49 (1993)?

Language in two very recent Supreme Court opinions, *Lee v Kemna*, No. 00-6933 (Jan. 22, 2002), and *Adarand Constructors v. Mineta*, No. 00-730 (Nov. 27, 2001), suggest as does the grant of cert in *BE&K Construction* that my pending petition may be granted.

I will supplement that cert petition with a copy of the State's Attorney's demand letter and to ask that Court to consider whether, if as the State's Attorney suggests, the sanction order indeed is a judgment collectable via a state-court proceeding, I was not by virtue of this alone (if not by virtue of the reasons I asserted in my petition) entitled to predetermination due-process notice and hearing.

The time and money I am spending on this continues to mount, and will, I guess, for the foreseeable future. My compliments to Judges Easterbrook, Manion and Kanne for a job well done.

Yours,

Beverly Mann
7261 North Campbell Avenue
Chicago, Illinois 60645
(773) 465-4587

cc: William Oberts

OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

RICHARD A. DEVINE
STATE'S ATTORNEY

500 RICHARD J. DALEY CENTER
CHICAGO, ILLINOIS 60602
AREA 3126035440

January 29, 2002

Ms. Beverly Mann
Attorney at Law
7261 North Campbell Avenue
Chicago, Illinois 60645

In Re: Beverly Mann v Dorothy Brown
99-1750 and 99-3595 and 98 C 8004

Dear Ms. Mann:

As a result of prior litigation in this matter you were ordered by the United State's Court of appeals for the Seventh Circuit Chicago, Illinois 60604 to pay to the Office of the State's Attorney of Cook County the sum of $ 5,180.00.

This figure is for costsand fees incurred as a result of the litigation emanating from this matter.

To date we have not received these monies as duly awarded by order of Court of September 19, 2001.

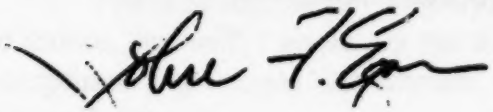
The order was issued under authority of 28 U.S.C. Section 1927 and was to be paid within 14 days to comply with the particulars of that order.

The specifics of that order included proof of payment to be filed with the Clerk of the Court. Enclosed please find a copy of the referenced order.

Please advise if this has been done. In the alternative , we expect payment within 10 business days upon receipt of this letter.

Hopefully, we can bring this matter to an amicable conclusion without further delay. Thank you for your attention to this matter.

RICHARD A. DEVINE
STATE'S ATTORNEY OF COOK COUNTY



JOHN F. EGAN
ASSISTANT STATE'S ATTY

500 DALEY CENTER
CHICAGO, ILLINOIS 60602
(312- 603-6325)

BEVERLY B. MANN, Plaintiff-Appellant, v. DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and COOK COUNTY, ILLINOIS, Defendants-Appellees.

Nos. 99-1750 & 99-3595

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

September 19, 2001

Before:

Hon. Frank H. Easterbrook, Circuit Judge

Hon. Daniel A. Manion, Circuit Judge

Hon. Michael S. Kanne, Circuit Judge

Order

The response to our order to show cause spends a great deal of time expressing dissatisfaction with the rulings of both state And federal courts in this case, but it does very little to justify the filing of three Federal lawsuits seeking review of decisions made in, or matters, affecting, a products-liability case ongoing instate court. To the extent the response offers explanations (such as ignorance of *Pennzoil* and the Tax Injunction Act), these are not justifications. Counsel is obliged to research the law before filing suits. We therefore conclude, for reasons narrated in our order of August 31, 2001, that attorney Mann has multiplied the litigations unreasonably and vexatiously, and must personally pay the costs and legal fees that resulted.

The statement of costs and fees submitted by the defendants is modest. They seek compensation for only 28 hours of legal work, which covers proceedings in both the district and this court. The hourly fee requested, $185, is appropriate to practice in Chicago.

Accordingly, and on the authority of 28 U.S.C. § 1927, Beverly Mann is ordered to pay $5,180.00 to the Office of the State's Attorney of Cook County. This amount must be paid within 14 days, and proof of payment must be filed with the clerk of this court.